

EXHIBIT "2"

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<p>UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY</p> <p>BASSEM KANDIL and FLORA KANDIL, his wife, Plaintiffs, v. POLICE OFFICER GARY YURKOVIC, POLICE OFFICER ANTHONY MARK ABODE, POLICE OFFICER WILLIAM C. OELS, III, SERGEANT WILLIAM OELS, CHIEF OF POLICE, CITY OF NEW BRUNSWICK, CITY OF NEW BRUNSWICK POLICE DEPARTMENT, MIDDLESEX COUNTY PROSECUTOR'S OFFICE, MIDDLESEX COUNTY CORRECTIONAL FACILITY, JOHN DOE SUPERVISING OFFICERS 1-10, JOHN DOES 1-10, ABC CORPS. 1-10, Defendants.</p> <p>X-----X</p> <p>TRANSCRIPT of the stenographic notes of the proceedings in the above-entitled matter, as taken by and before TRACY LYNN NEILSON, License No. 30XI00202400, a Certified Court Reporter and Notary Public of the State of New Jersey, held at the offices of HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, 40 Paterson Street, New Brunswick, New Jersey, on Wednesday, December 17, 2008, commencing at 10:40 in the forenoon.</p>		<p>A P P E A R A N C E S (continued):</p> <p>HOAGLAND, LONGO, MORAN, DUNST, & DOUKAS, LLP Attorneys for the Defendants, Sergeant William Oels, Chief of Police, City of New Brunswick, City of New Brunswick Police Department 40 Paterson Street P.O. Box 480 New Brunswick, New Jersey 08903 By: SUSAN K. O'CONNOR, ESQUIRE</p> <p>BENJAMIN D. LEIBOWITZ, ESQUIRE DEPUTY COUNTY COUNSEL, COUNTY OF MIDDLESEX Attorneys for the Defendant, Middlesex County Prosecutor's Office County Administration Building John F. Kennedy Square - Room 230 New Brunswick, New Jersey 08901</p>																																				
<p>PAGE 2</p> <p>2</p> <p>A P P E A R A N C E S:</p> <p>NUSBAUM, STEIN, GOLDSTEIN, BRONSTEIN & KRON Attorneys for the Plaintiffs, Bassem Kandil and Flora Kandil 20 Commerce Boulevard Succasunna, New Jersey 07876 By: SUSAN BIELANOWSKI REED, ESQUIRE</p> <p>DWYER, CONNELL & LISBONA Attorneys for the Defendant, Police Officer Gary Yurkovic 100 Passaic Avenue Fairfield, New Jersey 07004 By: WILLIAM T. CONNELL, ESQUIRE</p> <p>GOLDEN, ROTHSCHILD, SPAGNOLA, LUNDELL, LEVITT & BOYLAN, P.C. Attorneys for the Defendant, Police Officer Anthony Abode, Jr. 1011 Route 22 West, Suite 300 P.O. Box 6881 Bridgewater, New Jersey 08807 By: JEFFREY S. BELL, ESQUIRE</p> <p>THE STONE LAW GROUP Attorneys for the Defendant, Police Officer William C. Oels, III 20 Glenview Drive Warren, New Jersey 07059 By: MICHAEL JOHN STONE, ESQUIRE</p> <p>LAWRENCE Y. BITTERMAN, ESQUIRE Attorney for the Defendants, Police Officer William C. Oels, III and Police Officer Gary Yurkovic regarding punitive damages 247 Livingston Avenue New Brunswick, New Jersey 08901</p>		<p>PAGE 4</p> <p>4</p> <p>I N D E X O F W I T N E S S E S</p> <table border="1"> <thead> <tr> <th>WITNESS</th> <th>DIRECT</th> <th>CROSS</th> <th>REDIRECT</th> <th>RECROSS</th> </tr> </thead> <tbody> <tr> <td>MARCIA L. SILVA</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>By Ms. O'Connor</td> <td>6, 58</td> <td></td> <td>110</td> <td></td> </tr> <tr> <td>By Mr. Bitterman</td> <td>57</td> <td></td> <td></td> <td></td> </tr> <tr> <td>By Ms. Reed</td> <td>66</td> <td></td> <td>111</td> <td></td> </tr> <tr> <td>By Mr. Connell</td> <td>93</td> <td></td> <td></td> <td></td> </tr> <tr> <td>By Mr. Bell</td> <td>110</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	MARCIA L. SILVA					By Ms. O'Connor	6, 58		110		By Mr. Bitterman	57				By Ms. Reed	66		111		By Mr. Connell	93				By Mr. Bell	110			
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<p>SHEET 4 PAGE 13</p> <p>M. Silva - direct - Ms. O'Connor 13</p> <p>1 A Correct.</p> <p>2 Q And at that time were you responsible</p> <p>3 for the handling of cases?</p> <p>4 A Yes, new and old. Some were transferred to</p> <p>5 me, and some were assigned to me new.</p> <p>6 Q Okay. Who was your team leader when</p> <p>7 you were on the trial team with Judge Gelade?</p> <p>8 A Manny Sameiro.</p> <p>9 Q While you were on the trial team with</p> <p>10 Judge Gelade beginning in September of 2005, did you</p> <p>11 have any involvement in the criminal matter of State</p> <p>12 vs. Bassem Kandil?</p> <p>13 A Yes.</p> <p>14 Q Okay. Was that a file that was</p> <p>15 transferred to you, or was that newly assigned to --</p> <p>16 a new case that was assigned to you by Mr. Sameiro?</p> <p>17 A It was an old file. This was one I took</p> <p>18 over.</p> <p>19 Q And you took it over from</p> <p>20 Ms. Pitchford?</p> <p>21 A Correct.</p> <p>22 Q When the file was transferred from</p> <p>23 Ms. Pitchford to you when you were assigned to Judge</p> <p>24 Gelade's trial team, when was your first appearance?</p> <p>25 A September 22nd of 2005.</p>	<p>PAGE 15</p> <p>M. Silva - direct - Ms. O'Connor 15</p> <p>1 Q And did you also make an appearance on</p> <p>2 that date?</p> <p>3 A Yes, I did.</p> <p>4 Q Okay. So it would have been Mr. Kobin</p> <p>5 that actually made the appearance on September 22nd,</p> <p>6 2005, based upon your review of that transcript?</p> <p>7 A Yes.</p> <p>8 Q Okay. Did you have discussions with</p> <p>9 Mr. Kobin on December 22nd, 2005 [sic]?</p> <p>10 A Yes.</p> <p>11 Q And what were those discussions that</p> <p>12 you had with Mr. Kobin?</p> <p>13 MR. LEIBOWITZ: Pardon me. Did</p> <p>14 you say December or September?</p> <p>15 MS. O'CONNOR: I'm sorry.</p> <p>16 September, thank you.</p> <p>17 MR. LEIBOWITZ: Okay.</p> <p>18 A Mr. Kobin handed me a new package of</p> <p>19 discovery and I believe made some reference to me</p> <p>20 that this is something that I need to look into, and</p> <p>21 that was it.</p> <p>22 He probably introduced himself to me when he</p> <p>23 first came up. I pulled the file out of the cart.</p> <p>24 It was probably -- it was the first time I had ever</p> <p>25 seen the file. And we probably had some discussions</p>
<p>PAGE 14</p> <p>M. Silva - direct - Ms. O'Connor 14</p> <p>1 Q And what was the nature of that</p> <p>2 appearance that you made on September 22nd?</p> <p>3 A I believe the matter was scheduled for a</p> <p>4 status conference that day.</p> <p>5 Q And did you have the opportunity to</p> <p>6 meet Mr. Kandil's counsel at that time?</p> <p>7 A One of them, yes.</p> <p>8 Q And who was that?</p> <p>9 A I don't recall. I believe it was Mr. Kobin,</p> <p>10 but I don't recall.</p> <p>11 MS. O'CONNOR: Could you mark</p> <p>12 that.</p> <p>13 [Exhibit DMS-1, Transcript of</p> <p>14 Proceedings of a September 22, 2005 Status</p> <p>15 Conference, marked for identification.]</p> <p>16 Q Ms. Silva, I am going to show you</p> <p>17 what's been marked as DMS-1.</p> <p>18 A Okay.</p> <p>19 Q I will represent to you that it</p> <p>20 indicates that it is a transcript of the proceedings</p> <p>21 dated September 22nd, 2005; is that correct?</p> <p>22 A That's correct.</p> <p>23 Q Okay. Under Appearances, can you tell</p> <p>24 me, please, who made the appearances on that date.</p> <p>25 A Robert Kobin, ESQ.</p>	<p>PAGE 16</p> <p>M. Silva - direct - Ms. O'Connor 16</p> <p>1 briefly about it that I don't recall exactly what</p> <p>2 they were.</p> <p>3 Q When he handed you this package of</p> <p>4 discovery, did you have the opportunity to review it</p> <p>5 while you were in court before you made any</p> <p>6 appearance before the judge?</p> <p>7 A No.</p> <p>8 Q Okay. Did he explain to you what was</p> <p>9 in the package of discovery that he was handing to</p> <p>10 you?</p> <p>11 A He may have made a reference to there being</p> <p>12 two witnesses, because I recall that. But nothing</p> <p>13 specifically.</p> <p>14 Q Did he tell you what this discovery</p> <p>15 contained that he was handing you?</p> <p>16 A I don't recall.</p> <p>17 Q After you left the court on September</p> <p>18 22nd, 2005, did you have the opportunity to review</p> <p>19 that discovery?</p> <p>20 A I did.</p> <p>21 Q And what was contained in that</p> <p>22 discovery packet that was first handed to you by</p> <p>23 Mr. Kobin on September 22nd, 2005?</p> <p>24 A I believe that it contained a report by a</p> <p>25 private investigator with regards to a female by the</p>

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<p>SHEET 5 PAGE 17</p> <p>M. Silva - direct - Ms. O'Connor 17</p> <p>1 name of Pam, a female by the name of Lindsey; I</p> <p>2 believe that there was a recorded conversation with</p> <p>3 one of those women, I don't recall which one; and</p> <p>4 there may have been some statements or some</p> <p>5 information from other witnesses other than those</p> <p>6 two girls, but I remember the two females.</p> <p>7 Q After court on September 22nd, 2005,</p> <p>8 did you review your file to determine whether or not</p> <p>9 you had received that discovery from Defense Counsel</p> <p>10 prior to September 22nd, 2005?</p> <p>11 A Meaning did I look in the file to see if it</p> <p>12 was already in there?</p> <p>13 Q Correct.</p> <p>14 A I don't recall doing that, no.</p> <p>15 Q Okay. Was this discovery new that was</p> <p>16 handed to you on September 22nd, 2005?</p> <p>17 A Yes, I believe so.</p> <p>18 Q Once you received that discovery on</p> <p>19 September 22nd, 2005, and had the opportunity to</p> <p>20 review it, did you have any conversations with</p> <p>21 anyone from the Middlesex County Prosecutor's Office</p> <p>22 concerning that discovery?</p> <p>23 A Yes.</p> <p>24 Q Who did you have conversations with?</p> <p>25 A Ron Abramowitz.</p>	<p>PAGE 19</p> <p>M. Silva - direct - Ms. O'Connor 19</p> <p>1 Q And did you provide Mr. Abramowitz with</p> <p>2 the discovery?</p> <p>3 A I don't know if I actually handed it to him</p> <p>4 or if I, as we often do, stood next to his desk,</p> <p>5 opened it up and flipped through and showed him</p> <p>6 where I was referring to or what I thought was</p> <p>7 important in it.</p> <p>8 Q As a result of that discussion with</p> <p>9 Mr. Abramowitz, did he direct you to do anything?</p> <p>10 A I don't recall if he directed me to do it. I</p> <p>11 called the officer, one of the officers, but I don't</p> <p>12 know if that was at the direction of Ron, or if it</p> <p>13 was...</p> <p>14 It may have been.</p> <p>15 Q Did Mr. Abramowitz tell you anything</p> <p>16 after he reviewed the discovery with you?</p> <p>17 A He said there doesn't seem to be a problem</p> <p>18 here, continue on with the case, or something to</p> <p>19 that effect.</p> <p>20 Q Okay. When is the next time that you</p> <p>21 had to appear in court?</p> <p>22 A October 18th of 2005.</p> <p>23 Q Prior to that time, did you speak with</p> <p>24 anyone else in the Prosecutor's -- strike that.</p> <p>25 Between September 22nd, 2005, when you</p>
<p>PAGE 18</p> <p>M. Silva - direct - Ms. O'Connor 18</p> <p>1 Q And can you tell me when you spoke with</p> <p>2 Mr. Abramowitz concerning that discovery?</p> <p>3 A September 22nd -- September 27th of 2005.</p> <p>4 Q Okay.</p> <p>5 A Five days later.</p> <p>6 Q And what was your purpose for going to</p> <p>7 see Assistant Prosecutor Abramowitz on September</p> <p>8 27th, 2005?</p> <p>9 A I had a chance to review the file. I had</p> <p>10 seen Assistant Prosecutor Pitchford's notes in</p> <p>11 there, I had seen that there was some requests or</p> <p>12 some discussion or some issue about these two female</p> <p>13 witnesses being there, I had seen that there were</p> <p>14 conversations with the officers regarding this, and</p> <p>15 I now had discovery which seemed to indicate, from</p> <p>16 Defense Counsel, that one of these girls may have</p> <p>17 been there or not been there.</p> <p>18 And my question -- my issue in going to Ron</p> <p>19 was that because of his position in our office of</p> <p>20 dealing with "special" prosecutions or special -- or</p> <p>21 anything involving IA or anything of that nature,</p> <p>22 and there was some reference in here to an IA that</p> <p>23 may or may not have been filed, I went to talk to</p> <p>24 Ron about this discovery and to discuss it with him,</p> <p>25 is there an issue here, is this a concern.</p>	<p>PAGE 20</p> <p>M. Silva - direct - Ms. O'Connor 20</p> <p>1 first received this information, and October 18,</p> <p>2 2005, when you next had to appear in court, did you</p> <p>3 speak with anyone else in the Prosecutor's Office</p> <p>4 other than Mr. Abramowitz relative to this new</p> <p>5 discovery?</p> <p>6 A I don't believe so.</p> <p>7 Q Okay. Did you speak with the officer</p> <p>8 between September 22nd, 2005, and October 18, 2005?</p> <p>9 A Yes, I did.</p> <p>10 Q What officer did you speak with?</p> <p>11 A Officer Yurkovic.</p> <p>12 Q And did you learn any information from</p> <p>13 Officer Yurkovic which gave you pause in terms of</p> <p>14 determining whether there was a problem with this</p> <p>15 case?</p> <p>16 A No.</p> <p>17 Q Now, on October 18th, 2005, you again</p> <p>18 appeared before Judge Gelade?</p> <p>19 A No.</p> <p>20 Q Who did you appear before on October</p> <p>21 18th, 2005?</p> <p>22 A Judge DeVesa.</p> <p>23 Q So although you were still assigned to</p> <p>24 Judge Gelade's trial team, you appeared before Judge</p> <p>25 DeVesa on this case?</p>